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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,046	07/08/2004	Chean-Gui Park	1728.04	1652
29338	7590	12/05/2005	EXAMINER	
PARK LAW FIRM 3255 WILSHIRE BLVD SUITE 1110 LOS ANGELES, CA 90010			HAYES, BRET C	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/501,046

**Applicant(s)**

PARK, CHEAN-GUI

**Examiner**

Bret C. Hayes

**Art Unit**

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 1-3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08 JUL 04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: the disclosure appears to be a direct translation from a foreign language and is replete with grammatical and idiomatic errors, such as, at page 1, line 14, "Study" should be --study--, line 17, "made to know the effect or the poisonous properties of a medicine", which is awkward English at best, and, at line 18, "germfree" should be --germ free--. This list is not intended to be exhaustive, but rather exemplary only. Appropriate correction **NOT** is required. Examiner submits that the disclosure would be better revised and rewritten, but does not compel Applicant(s) to do such.

### *Claim Objections*

2. Claims 1 – 3 are objected to because of the following informalities: any element having a corresponding reference numeral should be separated by a space between it and the numeral. For example, claim 1, line 2 recites "a body(30) having", which should be --a body (30) having--. (Note the space between the "y" of body and the first parenthesis.) Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1 – 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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5. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

6. *For example only*, claim 1 recites the limitations "the middle", "the lower end" (2X), and, "the front part" in lines 5 and 8 (of the claim), "the inner surface" in lines 6 and 9, "the outside" in lines 7, 10 and 11, and, "the rear part" in line 9. There is insufficient antecedent basis for these limitations in the claim.

7. Claims 2 and 3 contain recitations similarly lacking in antecedent basis.

8. Due to the ambiguity cited above, the claims will be further treated on the merits *as best understood* only.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 09-238589 to Toshio et al. (as cited by Applicant). (Hereinafter *Toshio*).

11. As best understood...

12. Toshio discloses the claimed invention including a cage, see Fig. 1, for example, comprising: a body 1 having a fixed jaw 11; and a lid 7 detachably fixed to the body 1, and having a knob 10e integrally formed therewith, to be bent toward an inner surface of the fixed

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jaw, and two fixed jaw-catching members, as at **10d**, for example, and wherein the knob **10e** and the fixed jaw catching members **10d** are fixed to the fixed jaw **11** of the body **1**.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2 – 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshio in view of US Patent No. 5,865,144 to Semenuk (as cited by Applicant.

15. Also, as best understood...:

16. Re – claim 2, Toshio further discloses the invention as applied to claim 1 above and including a lid having a plurality of exhaust holes **5**, for example, all over its top and bottom surfaces, an outer filter **8**, for example, mounted *above* the top surface, an outer filter fixing frame **9**, an inner filter fixing frame **21** so located, an exhaust space formed between the outer and inner frames (since the filter **8** fits between the inner and outer frames, there is inherently ‘an exhaust space’ as claimed), an inner filter **4** so disposed, a filter fixing plate (the peripheral edges of element **4** define a ‘plate’, and an exhaust outlet **3a** so formed, wherein the outer and inner frames, the inner filter and the plate are fixedly secured to each other to form the lid. However, Toshio does not disclose the body having an air supply valve. Semenuk teaches that it is known to provide an air supply valve in the same field of endeavor for the purpose of ventilating a cage system. While Semenuk discloses the air supply valve on the lid and an exhaust port on the body, it would have been obvious to one of ordinary skill in the art at the time the invention was

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made to so arrange these elements, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70. In this case, to reverse the air flow from a top to bottom configuration to a bottom to top configuration would be within the level of ordinary skill in the art. Motivation for doing such could include working into already existing air/fluid plumbing constraints.

17. Re – method claim 3, in view of the structure disclosed by Toshio, the method of operating the device would have been inherent, since it is the normal and logical manner in which the device could be used.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (571) 272 – 6902. The examiner can normally be reached Monday through Friday from 5:30 am to 2:00 pm, Eastern Standard Time.

The Central FAX Number is **571-273-8300**.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu, can be reached at (571) 272 – 7045.

bh

27-Nov-05

  
MICHAEL J. SANDERS  
SUPERVISORY PATENT EXAMINER